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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,903	11/16/2000	Pramod Khandekar	INSTAK 3.0-001	5060
530	7590	08/29/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LUU, SY D	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/714,903

Applicant(s)

KHANDEKAR, PRAMOD

Examiner

Sy D. Luu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-61 is/are pending in the application.
- 4a) Of the above claim(s) 17-26, 32-41 and 47-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-31, 42-46 and 57-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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### **DETAILED ACTION**

1. This communication is responsive to the Amendment filed 6/13/2005.
2. Claims 17-61 are pending in this application. Claims 17, 27, 32, 42, 47, and 57 are independent claims. In the instant Amendment, claims 15-16 were canceled, and claims 17-61 were added. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Election/Restrictions***

4. Newly submitted claims 17-26, 32-41, and 47-56 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: while claims 27-31, 42-46 and 57-61 relate to a process for constructing a business rules based application under a GUI environment to allow users to select verbs defining actions to be performed from selectable wizards, and arranging said actions in hierarchical order to set the order of execution, classified in 715/763, claims 17-26, 32-41, and 47-56 are directed towards program development tools comprising operations which enable a user to create and manage computer program code, classified in 717/100.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-26, 32-41, and 47-56 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

5. Claim 27-31, 42-46 and 57-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Audleman et al. ("Audleman", US 6,806,890 B2) in view of Wygodny et al. ("Wygodny", US 6,202,199 B1).

As per claim 27, Audleman teaches a method for constructing a rules based application, comprising:

providing a set of wizards selectable by a user (figs 4A-4G);

selecting at least one wizard from the set of wizards to specify a number of actions to be performed by the business rules based application, and

providing a set of verbs selectable by the user, and selecting at least one verb from the set of verbs to define the number of actions to be performed by the business rules based application (figs 4A-4G; col. 3, lines 18-30; col. 4, lines 7-8; col. 7, lines 1-14).

Audleman does not teach the step of arranging the number of actions in a user-specified hierarchical order to set the order of execution of the actions in the application. However, such a step is known in the art. For instance, Wygodny teaches a method for tracing the execution paths of an application, employing the step of arranging the number of actions in a user-specified hierarchical order to set the order of execution of the actions in the application (fig. 3A; col. 8, lines 50 et seq.). It would have been obvious to an artisan at the time of the invention to combine Wygodny's teaching with Audleman in order to provide users with a means for monitoring and analyzing the execution of newly constructed applications.

Although Audleman's rules based application is not specific to being a business rules based application, however rules based application using wizards in a wide variety of areas

including business is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to apply Audleman's method in the area of business in order to benefit from an improvement method for generating a GUI application using wizards.

As per claims 28-30, Audleman teaches only certain actions operate on data during execution time, wherein the actions include conditional actions, and the step of specifying actions to construct the business rules based application and actions to operate on data during execution of the business rules based application (figs 4A-G; col. 8, lines 35 et seq.).

As per claim 31, Wygodny teaches the step of stepping through the number of actions to debug the business rules based application (col. 7, lines 39-53).

Claims 42-46 are similar in scope to claims 27-31 respectively, and are therefore rejected under similar rationale.

Claims 57-61 are similar in scope to claims 27-31 respectively, and are therefore rejected under similar rationale.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 27, 42 and 57 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2174

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

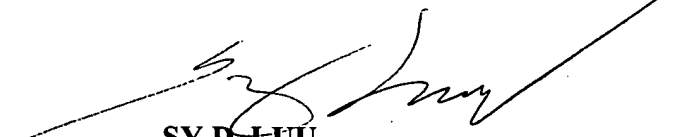
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (571) 272-4064. The examiner can normally be reached on Monday - Friday from 7:300 am to 4:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (571) 272-4063.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**SY D. LUU**  
**PRIMARY EXAMINER**  
**ART UNIT 2174**